

Frederick J. Harrison #5-1586
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FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2021 JUN -3 PM 4:14

MARGARET BOTKINS, CLERK
CHEYENNE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

TERESE MASSEY VAIL, an individual)

Plaintiff,)

v.)

Civil Action No. 21cv110

CAREEN KAYE GOICOLEA, an individual, and)
WYOMING DIRT CONTRACTOR INC.,)
a Wyoming Corporation)

Defendants.)

COMPLAINT AND JURY DEMAND

COMES NOW, Terese Massey Vail (“herein referred to as Plaintiff”), by and through her attorney Fred Harrison of Frederick J. Harrison, P.C., and for her causes of action against the Defendant and in support of the relief requested herein, respectfully alleges to the Court as follows:

OVERVIEW AND FACTS

1. On September 8, 2020, Defendant Careen Kaye Goicolea (herein referred to as “Defendant Goicolea”) was operating a 3500 Dodge truck southbound on U.S. Highway 191.
2. Defendant Goicolea was at all relevant times employed by Defendant Wyoming Dirt Contractor and acting within the scope of her employment.

3. Plaintiff was a passenger in a 2020 Hyundai Palisade heading north and driven by her fiancé, Brian Richardson.
4. It was daylight, about 11 o'clock AM on a Tuesday morning.
5. It was snowing.
6. The road was ice and frost covered.
7. Highway 191 is two lane except where there are passing areas of two lanes in one direction.
8. Defendant Goicolea drove into a southbound passing area of two lanes near mile marker 17, loosing control and crossing from the south bound driving lane and across a passing lane, and then across the double centerline.
9. Once entering the north bound lane Defendant Goicolea continued travelling south and then collided head on with Richardson's car in which Plaintiff was a passenger.
10. Richardson did everything he could but could not avoid the oncoming Defendant Goicolea.
11. As a result of the collision, Plaintiff was severely injured, and Richardson was killed.
12. Plaintiff suffered and continues to suffer severe emotional and physical trauma because of the crash and what she witnessed.

PARTIES, JURISDICTION, AND VENUE

13. This *Complaint and Jury Demand* is brought on behalf of the Plaintiff, Terese Massey Vail.
14. Terese is a resident of Eureka, Missouri.

15. This *Complaint and Jury Demand* is timely filed within the applicable periods of limitation.
16. The crash occurred on September 8, 2020 in Sweetwater County, Wyoming and within the jurisdiction of this Court.
17. Upon information and belief, Defendant Goicolea is a resident of the State of Wyoming.
18. Upon information and belief Defendant Wyoming Dirt Contractor is a Wyoming corporation domiciled and with its principal office in Wyoming.
19. A complete diversity of citizenship between Plaintiff and Defendants exists, and the matter in controversy, exclusive of interests and costs, exceeds \$75,000.00.
20. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1332 (a) 1 et seq.
21. The acts, omissions, negligence, and breaches of duty which give rise to this action occurred and were committed in the District of Wyoming, and venue is proper in this Court pursuant to U.S.C. § 1391.

CAUSE OF ACTION

NEGLIGENCE AGAINST DEFENDANT WYOMING DIRT CONTRACTOR

22. Plaintiff reincorporates and re-alleges the allegations contained in the above paragraphs 1-21 as though fully set forth herein.
23. Defendant Wyoming Dirt Contractor was negligent by reason of the following acts, errors, or omissions:
 - a. Failing to implement adequate policies, procedures and/or protections to prevent crashes such as the one that is the basis of this lawsuit;
 - b. Failing to properly qualify Defendant Goicolea and other drivers;

- c. Failing to properly train Defendant Goicolea and other drivers;
 - d. Failing to properly monitor and/or supervise Defendant Goicolea and other drivers;
 - e. Failing to be knowledgeable of and to comply with applicable safety operations, procedures, policies, and regulations;
 - f. Other negligent acts.
24. As a direct and proximate result of the negligence of Defendant Wyoming Dirt Contractor, Plaintiff was seriously injured both, physically and emotionally.

NEGLIGENCE AGAINST DEFENDANT GOICOLEA

25. Plaintiff reincorporates and re-alleges the allegations contained in the above paragraphs 1-24 as though fully set forth herein.
26. Defendant Goicolea was negligent by reason of the following acts, errors, or omissions:
- a. Not paying attention;
 - b. Driving too fast for conditions;
 - c. Failing to maintain control of her vehicle;
 - d. Other negligent acts as may be determined.
27. As a direct and proximate result of the negligence of Defendant Goicolea, Plaintiff was seriously injured both, physically and emotionally.

PRAYER FOR RELIEF

DAMAGES

WHEREFORE, Plaintiff prays for a judgment against the Defendants for the acts, errors, or omissions of Careen Goicolea and Wyoming Dirt Contractor , directly or indirectly causing injury to Plaintiff as will be proven at trial and such other damages and compensation for loss are provided for in law or equity and including but not limited to general, special, pecuniary, or exemplary damages as may be deemed fair and just as follows:

- a. Emotional distress;
- b. Physical injury;
- c. For such other and further relief as the Court deems just and proper in the premises.

Respectfully submitted this 3rd day of June, 2021.



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JURY DEMAND

COMES NOW, the Plaintiff, by and through their attorneys, and demands an eight-person jury on all issues herein so triable.

Respectfully submitted this 3rd day of June, 2021.



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